UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,655	08/03/2000	Cary Lee Bates	ROC920000077US1	7024

24033 7590 11/21/2003	**EXAMINER**	
KONRAD RAYNES VICTOR & MANN, LLP	VAUGHN, GREGORY J	
315 SOUTH BEVERLY DRIVE		
SUITE 210	**ART UNIT**	**PAPER NUMBER**
BEVERLY HILLS, CA 90212	2178	

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/636,655	BATES ET AL.
	Examiner	Art Unit
	Gregory J. Vaughn	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. ·
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 August 2000</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 August 2000</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .   6) ☐ Other: .

DETAILED ACTION

Application History

1.   This action is responsive to the application filing, Application filed on 8/3/2000.

2.   Applicant submits Information Disclosure Statement on 7/20/2001 (paper #2).

3.   Claims 1-36 are pending in the case, claims 1, 13 and 25 are independent

claims.

Drawings

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)

because reference character "90" has been used to designate both a *"Delete Word"*

button in Fig. 4 and *"Select a Literary Group"* drop down list in Fig. 5. A proposed

drawing correction or corrected drawings are required in reply to the Office action to

avoid abandonment of the application. The objection to the drawings will not be held

in abeyance.

5.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference sign(s) not mentioned in the

description:

- "160" in Figure 6.

- "170" in Figure 6.

- "172" in Figure 6.

A proposed drawing correction, corrected drawings, or amendment to the

specification to add the reference sign(s) in the description, are required in reply to

the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6.   The disclosure is objected to because of the following informalities:

- The disclosure recites: *"in the "associate with" box 82"* (page 6, lines 10-11) in reference to Fig. 4. Reference sign 82 is directed toward an *"Enter Term or Phrase"* text box in Figure 4. Reference sign 84 is directed toward a *"To Associate With"* box.

Appropriate correction is required.

7.   The use of the following trademarks has been noted in this application:

- *"WordPerfect"* on page 4, line 27

- *"Microsoft Word"* on page 4, lines 27-28.

- *"Lotus Word Pro"* on page 4, line 28.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

*(b) the invention was patented or described in a printed publication in this or a
foreign country or in public use or on sale in this country, more than one year
prior to the date of application for patent in the United States."*

9.   Claims 1-9, 11-21, 23-33 and 35-36 are rejected under 35 U.S.C. 102(b) as

being anticipated by McRae et al. US Patent 4,888,730 (filed 1/5/1988, patented

12/19/1989). *"McRae et al."* is hereafter referred to as *"McRae"*.

10.   **In regard to independent claim 1**, the claim recites:

*"A computer implemented method for editing text in a computer text editor
program, comprising:*
- *determining terms repeated in a section of text;*
- *determining terms associated with the repeated terms that may be
  used as substitute terms for the repeated terms;*
- *selecting one instance of one repeated term in the text;*
- *receiving user selection of one associated term for the selected
  instance of the repeated term; and*
- *replacing the selected associated term for the selected instance of the
  repeated term in response to the user selection."*

The preamble of the claim is directed toward a computer text editor. McRae

anticipated the limitation. Mc Rae recites: *"A word-processing system having a*

memory, character, format and control data input to the system through a keyboard

with a plurality of alphanumeric and function keys depressible by an operator, and a

display; in combination with at least one discrete file of editable text stored within the

memory" (column 2, lines 38-43).

The first limitation of the claim is directed toward finding repeated words. McRae anticipated the limitation. Mc Rae recites: *"the first control causing the file to be read word-by-word and each differentiable word to be stored in the correction buffer in association with a respective count element therein; incrementing means for augmenting a count in a respective count element therein, means for comparing each word read in the file with all words stored in the correction buffer, the means for comparing being effective to activate the incrementing means with respect to a given count element in response to an identity between a word read in the file and the word in the correction buffer associated with the given count element"* (column 2, lines 49-60).

The second limitation of the claim is directed toward determining synonyms for the repeated words. McRae anticipated the limitation. Mc Rae recites: *"it is yet another object of the invention to provide for indication as to which of the overused words are available in an associated Thesaurus listing"* (column 3, lines 13-15).

The third, forth and fifth limitations of the claim are directed toward selecting a repeated word; selecting a synonym for the repeated word; and replacing the repeated word with the selected synonym. McRae anticipated the limitations. Mc Rae recites: *"it is an object of the invention to provide an improved memory typewriter having fast, efficient detection, display and proper guidance for replacement of the most frequently overused words in text stored in editable memory"* (column 3, lines 3-7).

11. **In regard to dependent claim 2**, the claim recites:

> *"The computer implemented method of claim 1, further comprising: selecting a next instance of one repeated term in the text not previously selected after replacing the previously selected associated term for the selected instance of the repeated term."*

The claim is directed toward navigating to the next repeated word. McRae anticipated the claim. Mc Rae recites: *"Each pressing of a particular key on the typewriter's keyboard controls successive display, in descending order of frequency, of each of the most frequently used ones of the words"* (column 3, lines 27-30).

12. **In regard to dependent claim 3**, the claim recites:

> *"The computer implemented method of claim 1, wherein the section of text in which repeated terms are determined is capable of comprising: a paragraph; a sentence; a page; a sub-heading; or the entire document."*

The claim is directed toward the ability to process various textual constructs (sentences, paragraphs, pages, sections or whole documents). McRae anticipated the claim. Mc Rae recites: *"any line on Document 15 can be recalled from Full-Page Correction Buffer 954C for purposes of correcting printed text"* (column 6, lines 25-27).

13. **In regard to dependent claim 4**, the claim recites:

> *"The computer implemented method of claim 1, further comprising:*
> - *displaying a graphical user interface (GUI) with the repeated terms;*
> - *graphically indicating the selected instance of the repeated term in the text;*
> - *displaying the determined terms associated with the selected repeated term, wherein the user selected associated term is substituted into the text for the graphically indicated selected repeated term; and*
> - *graphically indicating a next instance of one repeated term in the text as the next selected instance of one repeated term."*

The claim is directed toward the use of a graphical user interface. McRae anticipated the claim. Mc Rae recites: *"Display Drivers 76 connected to Master Microprocessor 24 by lines 74a serve to operate Display 16 (via lines 74b) for visually presenting the last plurality of character inputs in known fashion. Display 16 may be operated in conjunction with or independently of Printer 14 and is also used herein for presenting the words and counts of overused words"* (column 6, lines 45-51).

14.   **In regard to dependent claim 5**, the claim recites:

"The computer implemented method of claim 4, further comprising: displaying the repeated terms with the text in the GUI differently than non repeated terms in the text."

The claim is directed toward displaying the repeated words differently then other words. McRae anticipated the claim. Mc Rae recites: *"that count and the corresponding word from the selected file in Memory 842 are presented on Display 16, the count preceding the word and being separated from the latter by a space or two"* (column 8, lines 6-8).

15.   **In regard to dependent claim 6**, the claim recites:

"The computer implemented method of claim 1, further comprising:
- *receiving user input of a term to associate with a subject term; and*
- *storing the association of the inputted term and the subject term, wherein the inputted term is one of the determined associated terms when the subject term is a subsequently determined repeated term."*

The first limitation of the claim is directed toward a user choosing a synonym. McRae anticipated the claim. Mc Rae recites: *"If the typist wants to look up*

synonyms of a signalled one of the overused words, a Thesaurus Program 905 is

activated by pressing Code Key 21 plus the "T" Key 18T while that overused word is

present on Display 16. Thesaurus List 904 is then searched for the matching word

and its synonyms" (column 8, lines 38-45).

The second limitation of the claim is directed toward system storing the chosen

synonym. McRae anticipated the claim. Mc Rae recites: *"use a known "Search and*

Replace" routine to replace various ones of the overused words at their different

locations in the file scanned" (column 8, lines 64-66).

16.   **In regard to dependent claim 7**, the claim recites:

> *"The computer implemented method of claim 6, further comprising: receiving*
> *user input of a term to remove as an associated term with the subject term,*
> *wherein the removed term is not one of the determined associated terms when*
> *the subject term is a subsequently determined repeated term."*

The claim is directed toward an ability to edit synonyms from the synonym list.

McRae anticipated the claim. Mc Rae recites: *"presence of a modified Dictionary List*

906 containing a Special Code 907 indicating availability of synonyms in the

Thesaurus program 905 for replacing words undesirably used too frequently"

(column 15, lines 61-65).

17.   **In regard to dependent claim 8**, the claim recites:

> *"The computer implemented method of claim 1, further comprising:*
> * • *maintaining different groups of associated terms, wherein each group*
>   *comprises different sets of associated terms; and*
> * • *determining a selected group of associated terms, wherein determining*
>   *the terms associated with the selected repeated term further comprises*
>   *determining terms in the selected group associated with the selected*

repeated term, wherein different groups are capable of providing different associated terms for the selected repeated term."

The claim is directed toward multiple synonym lists. McRae anticipated the claim.

McRae recites: *"electronic typewriters with memories storing thesauri from which a typist can select one of a succession of synonyms and retrieve it for replacement of a word"* (column 2, lines 9-12).

18.   **In regard to dependent claim 9**, the claim recites:

"The computer implemented method of claim 8, further comprising: receiving user input indicating to modify the groups of associated terms, wherein the user input is capable of indicating to add additional associated terms to the groups, remove associated terms from the groups, remove an entire group and add a new group of associated terms; and performing the user received modification operation on the groups to modify the groups of associated terms."

The claim is directed toward the ability to edit synonyms within multiple synonym lists. The limitations of the claim contain substantially the same subject matter as claims 7 and 8 combined, and are rejected with the same rational.

19.   **In regard to dependent claim 11**, the claim recites:

"The computer implemented method of claim 1, wherein determining terms repeated in the text further comprises determining repeated phrases in the text, wherein the terms associated with the repeated phrases comprise associated phrases."

The claim is directed toward the ability to process word phrases. McRae anticipated the claim. McRae recites: *"modifying, relocating, deleting, or otherwise changing one or more words of that text"* (column 1, lines 47-48).

20.   **In regard to dependent claim 12**, the claim recites:

"The computer implemented method of claim 1, wherein the repeated terms are capable of including terms that are different words that include a same word stem."

The claim is directed toward the use of root words. McRae anticipated the claim.

McRae recites: *"provides for alerting the typist when the particular word is identical to a root word in List 904"* (column 4, lines 19-20).

21.   **In regard to independent claim 13**, the claim contains substantially the same subject matter as claim 1, and is rejected with the same rational.

22.   **In regard to dependent claim 14**, the claim contains substantially the same subject matter as claim 2, and is rejected with the same rational.

23.   **In regard to dependent claim 15**, the claim contains substantially the same subject matter as claim 3, and is rejected with the same rational.

24.   **In regard to dependent claim 16**, the claim contains substantially the same subject matter as claim 4, and is rejected with the same rational.

25.   **In regard to dependent claim 17**, the claim contains substantially the same subject matter as claim 5, and is rejected with the same rational.

26.   **In regard to dependent claim 18**, the claim contains substantially the same subject matter as claim 6, and is rejected with the same rational.

27.   **In regard to dependent claim 19**, the claim contains substantially the same subject matter as claim 7, and is rejected with the same rational.

28.   **In regard to dependent claim 20**, the claim contains substantially the same subject matter as claim 8, and is rejected with the same rational.

29.   **In regard to dependent claim 21**, the claim contains substantially the same subject matter as claim 9, and is rejected with the same rational.

30.   **In regard to dependent claim 23**, the claim contains substantially the same subject matter as claim 11, and is rejected with the same rational.

31.   **In regard to dependent claim 24**, the claim contains substantially the same subject matter as claim 12, and is rejected with the same rational.

32.   **In regard to independent claim 25**, the claim contains substantially the same subject matter as claim 1, and is rejected with the same rational.

33.   **In regard to dependent claim 26**, the claim contains substantially the same subject matter as claim 2, and is rejected with the same rational.

34.   **In regard to dependent claim 27**, the claim contains substantially the same subject matter as claim 3, and is rejected with the same rational.

35.   **In regard to dependent claim 28**, the claim contains substantially the same subject matter as claim 4, and is rejected with the same rational.

36.   **In regard to dependent claim 29**, the claim contains substantially the same subject matter as claim 5, and is rejected with the same rational.

37.   **In regard to dependent claim 30**, the claim contains substantially the same subject matter as claim 6, and is rejected with the same rational.

38.   **In regard to dependent claim 31**, the claim contains substantially the same subject matter as claim 7, and is rejected with the same rational.

39.   **In regard to dependent claim 32**, the claim contains substantially the same subject matter as claim 8, and is rejected with the same rational.

40.   **In regard to dependent claim 33**, the claim contains substantially the same subject matter as claim 9, and is rejected with the same rational.

41.   **In regard to dependent claim 35**, the claim contains substantially the same subject matter as claim 11, and is rejected with the same rational.

42.   **In regard to dependent claim 36**, the claim contains substantially the same subject matter as claim 12, and is rejected with the same rational.

Claim Rejections - 35 USC § 103

43.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *"(a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made."*

44.   Claims 10, 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over McRae in view of Walsh et al. US Patent Application 5,873,660 (filed

6/19/1995, published 2/23/1999). *"Walsh et al."* is hereafter referred to as *"Walsh"*.

45.   **In regard to dependent claim 10**, the claim recites:

> *"The computer implemented method of claim 8, wherein the groups of associated
> terms comprise different literary categories."*

The claim is directed toward the use of thesauri lists of different categories.

McRae discloses the use of thesauri lists. McRae fails to disclose the use of

categorized thesauri lists. Walsh discloses the use of categorized thesauri lists.

Walsh recites: *"The preferred embodiment, for example, contains most commonly*

used word forms of the English language. The morphological replace tool 66 can be

adapted for use with text documents written in other languages by providing a word

forms database of commonly-used word forms of those languages" (column 7, lines

5-11).

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine Walsh's categorized thesauri lists capability with the McRae overused word invention to provide "*an editing tool for morphologically finding and replacing words so as to resolve ambiguities resulting from a user-specified find or replace word having multiple root words, and from an inflected form of one of the find or replace words corresponding to multiple inflected forms of another of the find or replace words*" (Walsh, column 3, lines 15-21).

46.   **In regard to dependent claim 22**, the claim contains substantially the same subject matter as claim 10, and is rejected with the same rational.

47.   **In regard to dependent claim 34**, the claim contains substantially the same subject matter as claim 10, and is rejected with the same rational.

Conclusion

48.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Gregory J. Vaughn
November 10, 2003

SANJIV SHAH
PRIMARY EXAMINER